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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,556	08/05/2003	Gianluca Perego	71083	6022
7590 06/15/2004				
McGLEW AND TUTTLE SCARBOROUGH STATION SCARBOROUGH, NY 10510-0827		EXAMINER WHITE, RODNEY BARNETT		
		ART UNIT		PAPER NUMBER
		3636		

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,556

Applicant(s)

PEREGO, GIANLUCA

Examiner

Rodney B. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 17-23 is/are rejected.
- 7) ☒ Claim(s) 10-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/27/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 1-2 are objected to because of the following informalities: In claim 1, line 5, should the word - - on - - be inserted after "arranged"? IN claim 2, the phrase "shaped curved" is awkward language. The word "curved" alone should suffice. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-8 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 2, the term "realized" is unclear and confusing language. On line 3, the phrase "which is assembled rocking on the crosspiece" is unclear and confusing language.

Claim 4 is unclear and confusing language. What is the Applicant trying to define? While the Examiner has some idea of what the Applicant might be trying to define, it is not clear. Applicant really needs to clarify the language of claim 4.

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In claim 6, line 2, the word "it" is unclear and confusing language. What is "it"?

In claim 8, line 3, "the box-shaped crosspiece" lacks antecedent basis.

In claim 20, "the rocking device" lacks antecedent basis. Should claim 20 depend from claim 19 instead of claim 18?

In claim 23, "the rocking device" lacks antecedent basis. Should claim 20 depend from claim 23 instead of claim 18?

The aforementioned problems render the claims vague and indefinite. Clarification and/or corrections is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7, 9, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Dutton (U.S. Patent No. 685,509).

Dutton teaches the structure a claimed (See Figures1-2)

Claims 1-3, 7, 9, and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dutton (U.S. Patent No. 745,334).

Dutton teaches the structure a claimed (See Figures1-2).

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Claims 1-3, 7, 9, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Dutton (U.S. Patent No. 736,709).

Dutton teaches the structure a claimed (See Figures1-3)

Claims 1-3, 7, 9, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Lepard (U.S. Patent No. 907,253).

Lepard teaches the structure a claimed (See Figures1-4 and) and the members 21 arranged for elastic reaction to rocking movement of the support member with respect to the remaining part of the crosspiece and the elastic reaction members comprise a leaf spring for elastically holding the support member in an intermediate position along its rocking arc the elastic reaction members comprise a leaf spring 21 for elastically holding the support member in an intermediate position along its rocking arc.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutton in view of Robinson (U.S. Patent No. 2001/0026088 A1).

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Dutton teaches the structure substantially as claimed but does not teach mechanical rocking device. However, Robinson teaches a such a deice to be old. It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Dutton, to include a mechanical rocking device, as taught by Robinson, since it would provide automatic rocking when needed.

Claims 4-6 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 10-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Currier, Reisman, Marhene, Lemos, Kreutzer, French, Knieper, Kurnick, Henrichs, Bukey, Johnson, Erdos, Berggren, Burstein, Perry, Kenna, Osborn et al, Stevens, Tarbox, Hoy, Overbey, Collins, Tucker, Wohler et al, Marshall, Downing, Tann, Peters, Ho, Stevens, Brick, Odell, Moskowitz, Brunn, Tohutate et al, Canton, Wanner, Jr., Ernst, Sheller, Altheimer et al, Hayman, Plummer, Weil et al teach concepts similar to the present invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (703) 308-2276. The examiner can normally be reached on 5:30 AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,
Patent Examiner
Art Unit 3636
June 6, 2004



Rodney B. White
Patent Examiner